

Honorable James R. Ellis

Judge Ellis was interviewed by Don Marmaduke in March, 2005. Excerpts from that interview appear below.

Local legal history

Judge Ellis thinks the most interesting lawyer in the history of Oregon was C.E.S. Wood, the father of Erskine Wood and founder of the Wood Tatum firm that practiced in Portland for more than 100 years. Ellis has a number of books by and about C.E.S. Wood, and he cited the Supreme Court's opinion in *Wood v. Honeyman*, which has some fascinating material about Wood.

Judge Ellis remarked about Wood's status as a maverick genius, gifted in many fields. He was something of an atheist, and ridiculed Billy Sunday, a Boston revivalist. One of his accomplishments was the building of the Cloud Cap Chalet at Mt. Hood, near Parkdale. It was the premium lodge in the area before timberline was built. Ironically, when Billy Sunday retired, he built a retirement home near Parkdale, just a few miles away from the Cloud Cap Chalet.

Erskine Wood, son of C.E.S. Wood, practiced law at the Wood Tatum firm until he was over 100 years of age, trying maritime cases well into his nineties.

Judge Ellis also mentioned "the battle over the whale" as another interesting episode in the history of Multnomah County lawyers and their courthouse. It involved a whale that found itself in the Columbia River. Three men, including two Portland lawyers, a father and his son, ended up killing the whale, generating much publicity in the *Oregonian*. Ellis notes that one of the lawyers had the whale brought downtown and laid out, apparently after being pickled or otherwise preserved, in the center "well" of the Multnomah County Courthouse.

The judge also harked back to the Grant County dispute between a brother and his brother-in-law over the former's right to gain ingress and egress to and from his property across the latter's encircling property. The frustrated rancher consulted attorney Roy Kilpatrick, the district attorney and others, and was told he had no legal remedy, he "would just have to stand up to his brother-in-law." That he did, with a large gauge pistol that he used to shoot his brother-in-law dead in a gun duel. Bruce Spaulding defended him successfully, claiming self defense.

Ellis said that his former partner, Millard Becker, was hired to defend a homicide in Canyon City and went to the jail to interview his client, the accused perpetrator. He found a man in khakis sitting with his feet on the desk, apparently a deputy sheriff. When asked if the lawyer could interview his client, the deputy said, "He ain't in right now. He's out to lunch. But, if you go to the bus depot, you'll find him sitting at the counter."

Among the most important services that the MBA has provided, in former Multnomah County Presiding Judge Ellis's opinion, are its CLE program for lawyers and CourtCare program for children.

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This Whale story told to me by
Norman Parks (2011). Also, Ed
McAninch knew a little —. These
articles from "Time" came from Nor
Parks.